

REMARKS

In the previous office action, dated July 27, 2006, the Examiner rejected Claims 1-5 and 20-30 on the ground of nonstatutory obviousness-type double patenting over Claims 1-15 of U.S. Patent No. 6,700,957 ("the '957 Patent"). Accordingly, Applicant has included a terminal disclaimer of all claims under 37 C.F.R. 1.321.

The Examiner also rejected Claims 20 and 23-25 under 35 U.S.C. § 102(e) as being unpatentable over US Patent No. 6,044,148, issued to Bleile (hereinafter referred to as "Bleile"); Claims 21, 27, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Bleile in view of US Pat. No. 5,995,603 (hereinafter referred to as "Anderson"); Claim 22 as being upatentable over Bleile in view of US Pat. No. 6,006,088 issued to Couse; and Claims 20-21, 24-25, 27, and 30 under 35 U.S.C. § 102(e) as being unpatentable over Anderson. Accordingly, Applicant has argued, amended, and added certain claims which are considered to put the claims in a condition for allowance.

DISCUSSION

I. Bleile Fails To Teach All Elements Of Claim 20

Bleile, for example, at least fails to teach "...a default mode selectively controlled by a user..." as recited in Independent Claim 20. In the absence of any caller identification information, the present claimed invention allows a user to select a default mode in which the system can be directed to: (1) allow the call to pass directly through to the handset; (2) allow the call to pass to an answering machine or system; or (3) block the call from passing through at all. (Specification, Pg. 14, Ln. 28-Pg. 15, Ln. 5 or Paragraph [0057] of Publication). Bleile, however, does not disclose such a feature. At Column 4, Lns. 16-21 (as cited by the Examiner on Pg. 3 of office action), Bleile only teaches the message response algorithm will terminate in the event no caller identification information is sent. (FIG. 3, block 74; Col. 4, Ln. 8-21). Bleile fails to teach whether a user is allowed to selectively control how the system will react in such an instance; instead, Bleile only teaches the user is given no choice and the message algorithm automatically terminates when no caller identification information is sent. Therefore, Bleile does

not teach "a default mode selectively controlled by a user" as recited in Claim 20, and Applicant respectfully requests the rejection be withdrawn.

II. Anderson Fails To Teach All Elements Of Claim 20

Anderson, for example, at least fails to teach "...selecting a default mode when there is not any caller identification information associated with the incoming call..." as recited in Independent Claim 20. As discussed above, the system of the present claimed invention is capable of detecting that no caller identification information has been received and then also allowing the user to selectively choose how the system will react in such instances. Anderson fails to teach how his system reacts when no caller identification information is received. The action cites Column 2, Lns. 15-23 as disclosing this feature. Neither here nor anywhere else in the disclosure, however, does Anderson teach or discuss how the system operates when no caller identification information is received.

In further support of the rejection, the office action states, "It should be noted that when there is no caller identification, the call screening device will treat it as no match or ... as not from an authorized caller." (Pg. 5). This statement by the Examiner, however, is not supported in Anderson nor is it inherently disclosed. Throughout the disclosure, Anderson only discusses the system processes in effect after the caller identification information has been extracted (Col. 3, Ln. 11-20; Col. 4, Ln. 22-38; FIG. 6, step 72) and makes no provision for the alternative situations in which no caller identification information was sent and, thus, could not be extracted. Therefore, Anderson fails to anticipate Claim 20, and Applicant respectfully requests withdrawal of the rejection.

Anderson also, for example, fails to teach a "...default mode selectively controlled by a user..." as recited in Claim 20. As discussed above, in the absence of any caller identification information, the present invention allows a user to select a default mode in which the system can be directed to: (1) allow the call to pass directly through to the handset; (2) allow the call to pass to an answering machine or system; or (3) block the call from passing through at all. (Specification, Pg. 14, Ln. 28-Pg. 15, Ln. 5 or Paragraph [0057] of Publication). Anderson, however, fails to disclose such a feature. At Column 2, Lns. 15-23 (as cited by the Examiner on Pg. 5 of the office action), Anderson only teaches how the system reacts in the event of an

unauthorized call and does not teach how the system reacts in the event no caller identification information is received.

It was not proper to reject Claim 20 based upon an unsupported rationale. Although the action attempts to support the rejection with the assumptious statement on Page 5 (previously discussed), the statement has no support in Anderson's disclosure. Applicant arguably understands the system must react in some way when no caller identification information is received. Anderson, however, does not teach what this reaction might be nor whether the user is allowed to selectively control the reaction as recited in Claim 20. Accordingly, Anderson fails to disclose each and every limitation of Claim 20, thus, the rejection should be withdrawn.

CONCLUSION

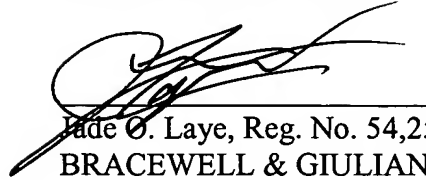
Applicant respectfully requests reconsideration of the pending claims and that a timely Notice of Allowance be issued in this case. Should the Examiner feel a telephone conference would expedite the resolution of the issues, he is respectfully requested to contact the undersigned.

In the course of the foregoing discussion, Applicant has focused on particular claim elements. This discussion, however, should not be interpreted to mean the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each claim limitation must be considered when determining the patentability of the claims. There may also be other distinctions between the claims and the prior art that have yet to be raised, but that may be raised in the future. Unless Applicant has specifically stated that an amendment was made to distinguish the prior art, it was the intent of the amendment to further clarify and better define the claimed invention and was not for the purpose of patentability.

In view of the remarks previously submitted, Applicant respectfully submits the application is in condition for allowance. Accordingly, the issuance of a Notice of Allowance in due course is respectfully requested.

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Respectfully Submitted,



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